

REMARKS

In response to the Office Action dated July 5, 2001, Paper Number 8, claims 2 and 7 have been amended and claim 1 has been canceled. Therefore, claims 2-23 remain in the case. Reexamination and reconsideration of the amended application are requested.

The Office Action objected to the title of the invention. In particular, the Office Action stated that the title of the invention was imprecise. A new title is required that is clearly indicative of the invention to which the claims are directed.

In response, the Applicant has amended the title of the invention. The Applicant respectfully submits that the amended title precisely describes the Applicant's claimed invention.

The Office Action objected to the line numbering format of the claims. Specifically, the Office Action stated that the claim numbering should be in a preferred format such that each line of every claim is numbered, with each claim beginning with line 1. In addition, the Office Action suggested that all future correspondence should include the recommended line numbering.

In response, the Applicant has numbered the amended claims (claims 2 and 7) in this correspondence in the preferred format, as suggested by the Office Action.

Obviousness-Type Double Patenting

The Office Action rejected claims 1, 2, 7 and 19 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 and 11-13 of copending U.S. Application No. 09/157,018 as well as over claims 1-5, 8, 13-15, 17 and 21 of copending U.S. Application No. 09/156,766. The Office Action stated that, although the conflicting claims are not identical, the claims are not patentably distinct from each other because they are both directed to essentially the same subject matter of dynamically adjusting query data values in response to remote user input via a user interface on a network having a client/server architecture.

In response, the assignee has elected to file two terminal disclaimers under 37 C.F.R. 1.321(c) corresponding to each copending application. These terminal disclaimers have been signed by an attorney of record and are attached herewith.

Section 103(a) Rejections

The Office Action rejected claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over Maggioncalda et al. (U.S. Patent No. 6,012,044). In particular, the Office Action contended that Maggioncalda et al. disclose each and every element of the Applicant's invention, except for explicitly disclosing that the interface tool has drop-down menus. However, the Office Action maintained that it would have been obvious for drop-down menus to be included in Maggioncalda et al. as an interface tool to help and visibly facilitate user interaction.

The Applicant respectfully traverses this rejection because Maggioncalda et al. do not disclose, suggest or provide any motivation for at least one claimed feature of the Applicant's invention. Further, Maggioncalda et al. fail to appreciate the advantages of at least one of the claimed features.

To make a prima facie showing of obviousness, all of the claimed features of an Applicant's invention must be considered, especially when they are missing from the prior art. If a claimed feature is not taught in the prior art and has advantages not appreciated by the prior art, then no prima facie showing of obviousness has been made. The Federal Circuit Court has held that it was an error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Moreover, if the prior art reference does not disclose, suggest or provide any motivation for at least one claimed feature of an Applicant's invention then a prima facie case of obviousness cannot be established (MPEP § 2142).

Amended claim 2 of the Applicant's invention includes a display device having rendered thereon dynamically changing results of a database query. The display device includes a query grid having at least one field and associated data. The query grid (including the associated data) is transmitted from a server to a remote client in response to a communication from the remote client to the server. The display device also includes at least one adjustable interface option that is displayed on the display device for adjusting the associated data in real time. The remote client is used to process the adjustment.

As described in the specification, the associated data is data that is associated with the results of the communication from the remote client to the server (specification, page 15, lines 13-15). Associated data is a subset or portion of all available data on the server. As set forth in amended claim 2, in response to a communication from the remote client the server transmits the associated data to the remote client (specification, page 15, lines 9-19).

Thus, instead of transmitting the entire volume of data contained on the server the server only transmits the associated data relevant to the user communication or request. The remote client is then used to process this associated data.

By way of example, the associated data may include used car information sorted by price, year and miles (specification, page 15, lines 11-13). Using the user car example, the server may contain a large amount of data that includes information on several makes and models of cars. But if the user requests information regarding a specific make and model of car (such as, for instance, a Honda Accord) then only data associated with the Honda Accord will be transmitted from the server to the client.

In contrast, Maggioncalda et al. merely disclose a financial advisory system that transmits all data contained on the server to a client computer. More specifically, referring to FIG. 3, Maggioncalda et al. disclose a financial advisory system that transmits the program in the form of the simulation module 340 from the server to the client (col. 8, lines 2-4). The pricing module 310, which is included in the simulation module 340, also is transmitted from the server to the client along with the simulation module 340. The pricing module 310 contains all available data to enable the module 310 to "generate a number of asset scenarios" (col. 7, lines 46-47). Using all available data, the pricing module is capable of "generating statistics for different projected asset valuations" (col. 7, lines 50-51). The pricing module 310 is able to achieve this because all available data is contained within the pricing module 310 and is downloaded from the server to the client.

On the other hand, the Applicant's invention transmits only associated data from the server to the remote client. This associated data is a subset of all available data stored on the server. Maggioncalda et al. simply does not disclose the Applicant's claimed transmission of associated data. Consequently, because any type of motivation or suggestion is lacking, Maggioncalda et al. does not render the Applicant's invention obvious (MPEP § 2143.01).

Maggioncalda et al. also fail to appreciate or even recognize the advantages of this claimed feature of the Applicant's invention. Namely, the Applicant's feature of transmitting associated data from the server to the remote client means that only a subset of the entire available data is transmitted. This reduces transmission and download times from the server to the remote client. In addition, because only the associated data is stored on the remote client, the amount of storage space occupied by the associated data on the client is reduced. Maggioncalda et al. do not discuss or appreciate these advantages of the

Applicant's claimed feature of transmitting data associated with a remote user communication from the server to the remote client.

Thus, the Applicant respectfully submits that Maggioncalda et al. do not disclose, suggest or provide any motivation for at least one claimed feature of the Applicant's invention. Further, Maggioncalda et al. fail to appreciate the advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, Maggioncalda et al. do not render the Applicant's claimed invention obvious because the reference is missing at least one material feature of the Applicant's invention. Consequently, because a prima facie case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive supporting the combination", the rejection must be withdrawn. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Amended claim 7 of the Applicant's invention includes transmitting a plurality of data packets comprising associated data values from a host computer to a remote client computer. The associated data values are transmitted in response to an initial query by the remote client computer. The Applicant submits that the arguments set forth above in regard to claim 2 also apply to claim 7. Consequently, the Applicant respectfully maintains that claim 7 is non-obvious over Maggioncalda et al. based on the arguments set forth above.


Claim 19 of the Applicant's invention includes transmitting a set of pricing data from a server computer to a client computer in response to an initial query from the client computer. The set of pricing data is a portion of all data that is available on the server. The Applicant submits that the arguments set forth above in regard to claim 2 also apply to claim 19. The Applicant, therefore, respectfully submits that claim 19 is non-obvious over Maggioncalda et al. based on the arguments above.

Moreover, dependent claims 3-6 depend from independent claim 2, dependent claims 8-18 depend from independent claim 7, and dependent claims 20-23 depend from independent claim 19 and are therefore also nonobvious over Maggioncalda et al. (MPEP § 2143.03).

In view of the claim amendments and the arguments set forth above, the Applicant respectfully submits that the rejection of claims 1-23 under 35 U.S.C. § 103(a) as being unpatentable over Maggioncalda et al. has been overcome and that pending claims 2-23 in this application are in immediate condition for allowance. The Examiner, therefore, is respectfully requested to pass this application to issue.

Furthermore, in an effort to further and expedite the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any questions, comments or concerns.

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

Marked-up version of existing Title on page 1 of the specification:

**[A] SYSTEM AND METHOD FOR TRANSMITTING AND DYNAMICALLY
ADJUSTING DATA VALUES [IN RESPONSE TO] ASSOCIATED WITH A REMOTE USER
INPUT**

IN THE CLAIMS

Following are marked-up versions of amended claims 2 and 7:

2. (Twice Amended) A display device having rendered thereon dynamically changing results of a database query, comprising:

a query grid having at least one field and associated [criteria] data and being stored on a server as raw data, wherein the query grid is transmitted from the server to a remote client through a communications interface in response to a communication from the client to the server; and

at least one adjustable interface option displayed on the client display device for adjusting associated [criteria] data of the at least one associated field in real time using the remote client to process the adjustment.

7. (Once Amended) A method for dynamically adjusting associated data values on a client computer, the method comprising:

transmitting a plurality of data packets comprising associated data values from a host computer to a remote client computer in response to an initial query by the client computer;

automatically displaying a control module on a display monitor of the client computer;

dynamically adjusting the associated data values using the remote client to process the adjustment in response to user interaction with the automatically displayed control module; and

dynamically displaying the adjusted data values on the client display monitor.